

REMARKS

This application is amended in a manner believed to place it condition for allowance.

Claim 59 is amended

Claims 86-89 are new.

Support for these amended and new claims may be found in the originally filed specification, for example, at page 1, lines 17 and 18 (Claim 59 and 86), page 5 line 11 to page 6 line 4 (Claim 87), and page 20, lines 21-31 (Claims 88 and 89).

Claims 59-89 remain in this application.

The Official Action rejected claims 59-61, 63-65, 70-77, 79, 80 and 85 under 35 USC §102(b) as being anticipated by ABRAMS et al. US 6,740,098 ("ABRAMS"). This rejection is respectfully traversed for the reasons that follow.

The position of the Official Action was that Figure 22 of ABRAMS discloses a stabilizer (element 500) and an instrument (element 430 and 450) with a head section (elements 440 and 445), where the elements 485 and 430 form a stabilizer stop and an instrument stop, respectively.

It is respectfully noted that at the bottom of page 3 of the Official Action, reference is made to the modification of ABRAMS. Modification is not appropriate for an anticipation rejection.

ABRAMS fails to disclose or suggest at least four features of the independent claims 59, 86, 87, 88 and 89.

ABRAMS does not disclose an instrument that is removably positioned in the stabilizer such that the instrument and the stabilizer can be separated into distinct elements, as recited in claim 59, or so that a first instrument can be inserted and removed, and a second instrument can be inserted as recited in claim 86.

Another feature that ABRAMS fails to disclose is a construction wherein the positioning of the instrument may be made adaptable to the geometry of the patient concerned or wherein the iterative fixing process is made superfluous. The claimed invention provides the stabilizer with a guide onto which the instrument stop is fitted, such that it can slide along the guide and with respect to which the instrument stop can be locked, e.g., as recited in claims 61 and 87. The claimed invention may even also instrument with a guide on which the stabilizer stop is fitted such that it can slide along the instrument and with respect to which the stabilizer stop can be locked, e.g., as also recited in claim 87.

An additional feature that ABRAMS fails to disclose or suggest is a stop position where both the instrument and the stabilizer in the stop position are fixed in the longitudinal direction, e.g., as recited in claims 88. That is, in the stop position, the instrument and the stabilizer are fixed or locked such that the position of one relative to the other prevents movement in both longitudinal directions. For example, this

locked position feature can be achieved by using a securing screw 902, e.g., as described at page 20 of the present specification at lines 21-31.

A further feature that ABRAMS fails to disclose or suggest is that the instrument and stabilizer in the stop position are fixed in the angular direction, as recited in claim 89. That is, according to the claimed invention, in the stop position the instrument and the stabilizer are fixed or locked such that they do not rotate with respect to one another.

Therefore, for at least the reasons discussed above, ABRAMS does not anticipate the claimed invention, and withdrawal of the rejection is respectfully requested.

Claims 62, 66-69, 78, and 81-84 were rejected under 35 USC §103(a) as being rendered obvious over ABRAMS. This rejection is respectfully traversed for the reasons that follow.

As discussed above with respect to the anticipation rejection ABRAMS, fails to disclose or suggest the newly claimed features of independent claims 59 and 87-89.

Therefore, ABRAMS alone does not render obvious the claimed invention, and withdrawal of the rejection is respectfully requested.

In view of the amendment to the claims and the foregoing remarks, applicant believes that the present application is in condition for allowance at the next Official

Action. Allowance and passage to issue on that basis is respectfully requested.

Please charge the requisite fee of \$440 for the four additional independent claims added herewith, to our Credit Card.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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